
**IN THE SECOND JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF DAVIS, STATE OF UTAH**

STATE OF UTAH,

Plaintiff,

vs.

ROBERT CAMERON HOUSTON,

Defendant.

DECORUM ORDER

Case No. 061700273

Judge Glen R. Dawson

The Court anticipates that the trial of this case may generate substantial public interest and media attention. In light of this possibility, the Court has set forth below several rules of conduct and other guidelines designed to govern the expectations of the people involved in the trial and those observing the trial so that the decorum of an open court will be maintained throughout the proceedings. The overall purpose of these rules and guidelines is to secure the defendant's constitutional right to a fair and impartial trial while permitting the public to exercise its First Amendment right of access to criminal proceedings, to protect the identity and privacy of jurors, and to protect jurors, witnesses, and parties from unnecessary commotion, confusion, or influence.

IT IS THEREFORE ORDERED that the following rules and guidelines for the conduct of the trial be adhered to. If regulation of any matter discussed appears to the Court not to be necessary or require modification, the Court may rescind or modify that portion of the order.

Seating in the Courtroom

The Court anticipates that members of the immediate families of the defendant and the alleged victim will attend the trial sessions. The Court also recognizes the fact that most members of the public will be informed of the conduct of these proceedings only through reports made by the

media. Although seating in courtroom one is limited to 58 seats, the Court anticipates that this will be sufficient to accommodate all who desire to attend. However, if the number of persons seeking to attend exceeds the capacity of the courtroom, the Court will arrange for courtroom passes to be issued in order to assure that family members and members of the media are able to attend.

The protocol for seating will be as follows:

1. There will be no reserved seating during the trial sessions unless circumstances dictate otherwise. If necessary, the first row will be reserved for members of the media.
2. The seating location of the pool photographer will be at the direction of the Court.
3. Seating for individuals with young children will be available in the anteroom at the rear of the courtroom.
4. All persons desiring to attend must be in the courtroom and seated no less than five minutes prior to the time set for the start of each court session.
5. Due to the size of the jury venire being called by the Court, seating in the courtroom for the hearing to administer the jury questionnaire will be extremely limited and may not be available at all.

Rules of Conduct for the Trial Sessions

Pursuant to Section 78-7-5 of the Judicial Code and Rule 33 of the Utah Rules of Criminal Procedure, the Court sets forth the following rules of conduct for the trial sessions in the above-titled case:

1. Any person entering the courthouse must first pass through a magnetometer and, if necessary, will be subject to a search of his or her person and any containers in his or her possession. This includes any still photography or video equipment.

2. Quiet and order among those observing the trial shall be maintained at all times during the course of the trial. Audible comments of any kind by any spectator during the trial sessions and provocative or uncivil behavior within the courthouse at any time will not be tolerated.

3. Members of the media and the public will be expected to dress in a manner consistent with the decorum of a judicial proceeding.

4. The wearing of pins, buttons, signs, clothing, etc., in the courthouse, which expresses support for or against the defendant or the prosecution in this case, shall be prohibited.

5. Court personnel, jurors, witnesses, parties, counsel and their supporting staff only shall be permitted before the bar railing. No member of the public or representative of the media shall be permitted before the bar railing unless called by the Court.

6. Supervisors of children whose age might be incompatible with prolonged silence and restricted movements are encouraged to utilize the anteroom at the rear of the courtroom.

7. Spectators, including representatives of the media, shall remain seated in the courtroom until the jury and the judge have withdrawn and the bailiff has given permission to leave the courtroom.

8. Except during the morning and afternoon recess times designated in the trial schedule below, no loitering will be permitted either in the courthouse entryways, the courthouse foyers, or the hallways adjacent to the courtroom. Furthermore, even if court is not in session in the other courtroom in the courthouse, no one will be permitted to use that courtroom as a waiting room.

9. All cellular phones and pagers must either be turned off or switched to silent mode in the courtroom.

10. No electronic audio recording devices shall be permitted in the courtroom.

Any person violating these rules of conduct will be subject to the discipline of the Court, including, but not limited to, the contempt authority of the Court and barring the person from the courtroom.

Guidelines for the Press

1. Rule 4-401 of the Code of Judicial Administration, which governs the conduct of the media in reporting criminal court proceedings, is attached to this order. The Court expects that Rule 4-401 will be followed.

2. All still photography equipment in the courtroom must be operated in a manner that does not disturb or disrupt the decorum of the proceedings or distract the participants.

3. No flash photography shall be permitted in the courtroom.

4. No photographs or video shall be permitted of any juror or prospective juror. Moreover, publication in any way of the name or address of any juror or prospective juror or a likeness of any juror or prospective juror in any manner that discloses or may disclose the identity of that person is prohibited.

5. No contact or conversation with a prospective juror will be permitted until he or she is dismissed from the venire. Moreover, no contact or conversation will be permitted with any seated juror until discharged after trial. This prohibition shall apply to prospective jurors until they are dismissed from the venire. This prohibition shall also apply to jurors until the jury is discharged after trial.

6. Media interviews, video, and still photography are limited to the courthouse foyer and outside of the courthouse. Media must not obstruct ingress to or egress from the courthouse, the courtrooms, or the courthouse reception area.

Any person violating these prohibitions will be subject to the discipline of the Court, including, but not limited to, the contempt authority of the Court and barring the person from the courthouse.

Jury Selection Proceedings

The jury selection hearing is considered a part of the trial of this case, and all of the restrictions of this order shall apply.

Jury selection will begin on Wednesday, April 4, 2007. All prospective jurors will be asked to complete a jury questionnaire. After the hearing has been called to order, the members of the venire panel will be administered the oath. In order to protect the anonymity of the members of the venire panel and yet provide an open court for all critical portions of the proceedings, public and press shall be excluded from the courtroom during the time that the prospective jurors are randomly called by name. Prospective jurors will be given a pre-assigned number; subsequent reference to that juror by the Court and counsel will be by that number only. Instructions for completing the questionnaire will be given and prospective jurors will begin answering questions. Blank questionnaire will be available from the court clerk after all questionnaires completed by the venire panel have been returned.

After the Court and counsel have had an opportunity to review each completed questionnaire, members of the venire panel will be assembled in the courtroom on Thursday, April 5, 2007 and Friday, April 6, 2007. Once assembled, each juror will be interviewed individually by the Court and counsel out of the presence of the other prospective jurors. Due to logistical and space limitations, these interviews will be conducted in a room other than the courtroom. In light of these limitations, only two representatives of the media and no members of the general public will be permitted to attend this portion of the jury selection process. If members of the media are interested in attending, two will be admitted and will serve as pool reporters, if necessary.

Once a sufficient number of prospective jurors are passed for cause, the remaining members of the venire panel will be excused. A hearing will be conducted on Friday, April 6, 2007 at 3:00

p.m. for the purpose of allowing counsel to exercise their peremptory challenges and to finalize selection of the jury. Members of the press and general public will be permitted to attend this hearing. Once this process has been completed, a complete jury will have been selected, and the trial will begin on Monday, April 9, 2007.

Schedule of the Trial Sessions

The Court will try to adhere to the following schedule in conducting trial sessions scheduled Monday, April 9, 2007 through approximately Monday, April 16, 2007:

9:00 a.m.	to	10:30 a.m.	.....	First Session
10:30 a.m.	to	10:45 a.m.	.....	Morning Recess
10:45 a.m.	to	12:00 p.m.	.....	Second Session
12:00 p.m.	to	1:30 p.m.	.....	Noon Recess
1:30 p.m.	to	3:00 p.m.	.....	Third Session
3:00 p.m.	to	3:15 p.m.	.....	Afternoon Recess
3:15 p.m.	to	5:00 p.m.	.....	Fourth Session
5:00 p.m.			.....	Evening Recess

There will be no trial sessions on Tuesday, April 10, 2007.

DATED this 20day of March 2007.

BY THE COURT:

Judge Glen R. Dawson
Second Judicial District Court

Code of Judicial Administration
Article 4. Internal Court Operations

Rule 4-401. Media in the courtroom.

Intent:

To establish uniform standards and procedures for conduct and the use of photographic equipment in the courts of the state.

To permit access to the courtroom by the news media while preserving the participants' rights to privacy and a fair trial.

Applicability:

This rule applies to the courts of record and not of record.

This rule governs photography and conduct during sessions of court and recesses between sessions.

This rule shall not diminish the authority, conferred by statute, rule or common law, of the judge to control the conduct of proceedings in the courtroom.

As used in this rule, the term "courtroom" includes the courtroom and areas immediately adjacent to the courtroom.

Statement of the Rule:

(1) (A) Filming, video recording, and audio recording in a trial courtroom are prohibited except to preserve the record of proceedings. The trial court's video signal of proceedings may be transmitted to an overflow room. No recording of the video may be made in the overflow room, except as part of a pilot program approved by the Judicial Council with the permission of the presiding judge of the court and the judge presiding at the hearing. (B) Filming, video recording, and audio recording in an appellate courtroom are permitted to preserve the record of proceedings and as permitted by procedures of those courts. A video signal of proceedings may be transmitted to an overflow room where it may be copied.

(2) Still photography, filming and audio and video recording in the courtroom for ceremonial or court approved public information programs are permitted when arranged through the presiding judge of the court. (3) No one may photograph a juror or prospective juror before the person is dismissed.

(4) Still photography in a courtroom is prohibited, but it may be permitted in the discretion of the judge presiding at the hearing. A request to photograph in a courtroom shall be filed with the judge presiding at the hearing at least 24 hours prior to the hearing. A judge may permit photography with less than 24 hours notice upon a showing of good cause. In determining whether to permit still photography and, if so, how to regulate it, the judge presiding at the hearing should consider whether:

(A) photography can be accommodated without distracting the participants;

(B) there is a substantial likelihood photography would jeopardize the right to a fair hearing or trial; or

© the privacy interests of the victim of a crime, a party in a civil case or a witness outweigh the interest of the public in access to a photograph of the person.

(5) Conduct in the courtroom.

(A) The judge presiding at the hearing may position reporters and equipment in the courtroom to permit reasonable news coverage. The judge may require reporters to share a single photographer.

(B) Photographers shall not use flash or strobe lights. Media representatives shall use normally available courtroom equipment unless the presiding judge and the judge presiding at the hearing approve modifications, which shall be installed and maintained without public expense.

© Proceedings in the courtroom shall not be disrupted. Members of the public in the courtroom shall:

(i) avoid calling attention to themselves;

(ii) not place equipment in or remove equipment from the courtroom while court is in session;

(iii) not make comments in the courtroom during the court proceedings;

(iv) not comment to or within the hearing of the jury or any member thereof at any time before the jury is dismissed;

(v) present a neat appearance in keeping with the dignity of the proceedings;

(vi) not conduct interviews in the courtroom until the hearing is concluded and the court is recessed;

(vii) not, if the hearing is a trial, conduct interviews in the courtroom until the trial is concluded;

(viii) not use a camera or tape recorder to conduct interviews in the courtroom; and

(ix) comply with the orders and directives of the court.

(6) The court may remove anyone violating these rules from the courtroom and revoke the privileges contained in this rule.

Certificate of Delivery

I certify that on the 28 day of March 2007, I e-mailed the above document to the following members of the media:

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